

**TOWN OF NORTH CASTLE**  
**PLANNING BOARD MEETING**  
**15 Bedford Road**  
**Armonk, New York 10504**  
**January 25, 2010**  
**7:00 p.m.**

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**PLANNING BOARD MEMBERS PRESENT:**

Peg Michelman, Chairman  
John Delano  
Steve Sauro  
Jane Black  
Beata Tatka

**ALSO PRESENT:**

Adam Kaufman  
Town Planner  
  
Kristen L. Cinque, Esq. Town Counsel  
Stephens, Baroni, Reilly & Lewis, LLP  
  
Ryan Coyne, P.E.  
Kellard Sessions Consulting, P.C.  
Consulting Town Engineers  
  
Valerie Desimone  
Planning Board Secretary  
  
John Fava  
Conservation Board Representative

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The meeting was called to order at 7:00 p.m.

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Chairman Michelman introduced Ms. Tatka, the newest Planning Board member. She explained that Ms. Tatka was a 14 year resident of the town and a former member of the ARB.

**PUBLIC HEARING:**

**MASSARO**

**Site Plan**

**Section 6, Block 5, Lot 2-3**

**54 Custis Avenue**

**Jim Vanoli, P.E.**

**Consideration of approving site plan resolution**

Chairman Michelman read the public notice for the record. Ms. Desimone noted that 31 out of 45 cards were returned and that all paperwork was in order. Chairman Michelman asked if there were any neighbors present. Mrs. Kathleen McNorton (51 Custis Avenue) and Mr. Carlock (52 Custis Avenue) were present.

Mr. Jim Vanoli was present on behalf of the applicant. He presented a site plan to the Board and explained that this was a four-lot subdivision with three building lots; the 4<sup>th</sup> lot is a privately owned road. The site will be served by public sewer. There is an on-site storm water treatment and detention basin. They are proposing three two-family homes, which is permissible under the current zoning. The purpose of the public hearing was to address the house that Mr. and Mrs. Massaro wish to build for themselves on lot three. The subdivision has been approved and filed and the site improvements are underway.

The applicant intends to grade the entire parcel in accord with the IPP. Mr. Vanoli indicated the lot at issue and explained the layout of the site. He indicated the private road entrance and pointed out that it is in the same location as the current curb cut. There will be three driveways and in order to eliminate the massive amount of pavement that would be required for a cul-de-sac if this was a town road. He explained which driveways led to which lots.

There will be a 12' wide driveway (the 8.9' notation was an error as noted by Mr. Coyne). The applicant has submitted a complete landscaping plan for the subdivision and an interim landscaping plan for this portion of the application. Landscaping will be provided at the entrance and the borders at this time but they will not do any landscaping on the other house sites now, due to the amount of work that would have to be done there in the future.

Mr. Vanoli indicated and explained the storm water collection system. The end result will be a zero increase in rate of runoff.

Mrs. Carlock asked if there were three driveways and Mr. Vanoli told her there were only two driveways and a road. He added that no additional curb cut was required. Mrs. Carlock asked if there would be any blasting and Mr. Vanoli said there would not be; they would be hammering it out.

Chairman Michelman noted that the ARB approved this plan on November 4, 2009 and asked if the final plat had been filed. Mr. Vanoli said that it was filed on December 15<sup>th</sup>.

Mr. Kaufman asked if Mr. Coyne wanted any of his comments included in the resolution. Mr. Coyne said that it was not necessary. Mr. Kaufman said that no amendments to the resolution are necessary.

There were no issues from any of the Board members. Chairman Michelman pointed out there was a small typo on page three in the second whereas regarding the date of the Planning Board meeting. Mr. Kaufman made the correction. Mr. Vanoli said that he read the resolution and had no issues.

Chairman Michelman asked if there were any other comments from the neighbors. There were none. Ms. Black moved to close the public hearing. The motion was seconded by Mr. Sauro and unanimously approved.

Ms. Black moved to approve the resolution as amended. The motion was seconded by Mr. Sauro and unanimously approved.

**OTHER:**

**BARON**

**Special Use**

**Section 2, Block 1K, Lot 2**

**6 Hidden Oak Lane**

**Barry Naderman, PE – Naderman Land Planning & Engineering**

**Discussion**

Mr. John Delano recused himself from this application because his company was involved in surveying of the property and will continue to be involved in the project.

Mr. Barry Naderman was present on behalf of the applicant together with the applicant himself. He explained that Mr. Baron owns five acres of property at the end of Hidden Oak Road (indicated). Mr. Naderman explained that the applicant was seeking approval to subdivide the property into two conventional lots so that Lot 2 can be sold to NYC DEP. He is already in contract with the DEP. Mr. Naderman explained that he illustrated the driveway access, etc. to be in compliance with subdivision regulations.

Mr. Naderman stated that he revised the plan to show that the zoning conformance table, which shows that the applicant has the necessary lot area and contiguous building area. Mr. Naderman said that he was also asked to show that the private road could meet town road standards, which they have done. He also modified the zoning conformance table to show that the two lots comply with net lot acreage and things of that nature.

Mr. Naderman explained that he was also asked to demonstrate that Lot 2 meets the minimum mean lot width of 150' and they have 169.6 mean lot width. He submitted that to the Board.

Ms. Black noted that Mr. Kaufman's memo questioned whether the existing house met the side yard setback. Mr. Naderman recognized this and said that it did not meet the required 30' side yard setback but it was a preexisting nonconformity. Mr. Kaufman said that he could just note that on the plat.

Mr. Naderman said that he was also asked to correct the issue that a certain point on Hidden Oak Road had no ability for a turnaround and they have determined that they will include a

turnaround area.

Mr. Coyne said that it sounded like the applicant had addressed all of his issues. Mr. Kaufman said that he would review the newly submitted information.

Mr. Kaufman explained to the Board that they could do an uncoordinated review if they chose. The Board agreed. Mr. Baron asked what that meant and Chairman Michelman explained the process under SEQRA.

Chairman Michelman said that the next step was to schedule a public hearing. Ms. Desimone said there was room on the February 22<sup>nd</sup> agenda. The Board said that a resolution could be prepared for the same night if the information provided was satisfactory.

Mr. Naderman said that he did not believe that the additional lot would cause any additional burden on recreational facilities and asked that the Town waive the fee. Mr. Kaufman said that if the Board decided to waive the fee, then the applicant would have to donate space in lieu of the fee. Mr. Naderman asked if they could waive it entirely and Mr. Kaufman said that this was something that would have to be looked into.

## **THOMPSON**

### **Special Use Permit**

#### **Sec 2, Block 1, Lot 12.A**

#### **13 Whippoorwill Road**

#### **Robert Schweitzer, AIA Lasting Impressions – Landscape Architecture**

#### **Discussion (referral from the ZBA)**

Mr. Chris Carthy and Mr. Robert Schweitzer were present on behalf of the applicant.

Mr. Schweitzer explained that last time the applicant was before the Board, it was to present a rather undeveloped site plan for review to zoning. This Board referred the application to the ZBA, who issued the necessary variances, and now they were back before the Planning Board.

Chairman Michelman said she was not sure what kind of approval the applicant received; the plans that this Board referred to the ZBA were not the same plans that they were seeing at the meeting. Mr. Schweitzer said that there were some revisions and the applicant received a variance based upon this revised plan. The plan is similar to what was presented earlier.

Ms. Black asked the applicant to explain exactly how the plans differed. Mr. Carthy explained that they moved the pool house so that it is less symmetrical; it was a similar type of pool with a spill in the same general location. Fundamentally, the differences were really in the design.

Chairman Michelman thought that this moved it much closer to the wetland itself than it was previously, by approximately 10'. Mr. Schweitzer said she might be thinking of an earlier proposal. Chairman Michelman did not think so. Mr. Schweitzer said that they initially proposed the pool in a certain location, in the buffer. There were actually two schemes with the pool there. Then the applicant withdrew that plan and then chose another location further away. The last plan this Board saw had more symmetry; they are close to 50' from the wetland now.

Chairman Michelman asked the location of the wetland and Mr. Schweitzer indicated. He said

that they are 52'8" from wetland and indicated the buffer, the pool and the cabana. There is a 3' retaining wall (indicated). It is centrally accessed via a landing and several steps and there is a path that goes through the conifer grove and another access on the other side.

Mr. Schweitzer said that in terms of the drainage there is a curtain drain behind the 3' retaining wall. It was put there so water coming down the slope would be intercepted at the wall. It will ultimately be disbursed to the stone apron. He explained the drainage in further detail. The water from the deck will spill off the deck and into the drain. The applicant liked this the best because only two trees to be removed and the applicant really wanted to limit tree removal.

Ms. Black asked if this was the plan that the Conservation Board reviewed and Mr. Schweitzer said it was not; this was closer to the wetland.

With respect to Mr. Coyne's comments Mr. Schweitzer said that they do have sediment and erosion control fencing; they have since changed the key to show them on the plan. Mr. Coyne said he had a few technical comments but they were things that could probably be easily worked out. The only real question was whether there would be any plumbing facilities in the cabana or if it would be completely dry. The Board had that question too.

Mr. Kaufman said that they had the flexibility to permit the pool to be located in this proposed location, but asked if the Conservation Board wanted to review it again. Mr. Fava said that because of the change in location, they should see it again. Mr. Kaufman said that was really the only issue left. If the Board could come to the consensus that this is the proper location, with the help of the Conservation Board, then there are no more issues. Mr. Schweitzer pointed out that the additional requested information would be provided to the Board.

With respect to the septic expansion, the applicant's representatives called the Health Department and the applicant was told that they would accept plating the access road. Mr. Coyne said that would be acceptable. Additionally the access has changed, so it looks that it will not be as intrusive. Mr. Schweitzer added that if there was any damage, it would be repaired by licensed professional.

Mr. Carthy said that the pool house would probably be scaled down for the next presentation. However, it was their understanding that as long as they were not adding a bedroom and were using a pump chamber, then they wouldn't have to go to the Board of Heath. Mr. Coyne said that was correct, but the question was whether this, as shown, is considered a bedroom by either the Health Department or the Building Inspector. Mr. Carthy said that it would be practically a changing room. Mr. Coyne said that it was not his decision. Mr. Carthy said that there would be water in the pool house and they will use a commercial grade pump for this. Mr. Schweitzer said that once the applicant clarified what he wanted, he would make those changes.

Ms. Black said that she wanted to wait and see what the Conservation Board thought of the new plan. The rest of the Board agreed.

Mr. Sauro noted that in the ZBA minutes, it seemed that their biggest issue was that the Planning Board referred this application to them without any recommendation. He asked whether it would be possible to avoid this issue with the referral to the Conservation Board. Mr. Kaufman said that the Board could not give a recommendation to the Conservation Board

because they were referring the application to the Conservation Board for their recommendation. Chairman Michelman did not think that the Conservation Board needed any guidance from this Board.

Mr. Sauro asked about the pool equipment and noted there was an issue about this at the ZBA meeting. Mr. Schweitzer indicated the location.

Ms. Black noted that all of the Boards were concerned about the size of the pool, and wanted to know if there was any way the applicant would reduce the size. Mr. Carthy stated that the pool was mistakenly referred to as 30'x60 and it was never that big. From a pool point of view it is extra large, but not "supersized". Additionally this applicant is a swimmer, so he is not willing to reduce the size of the pool. Rather than making it smaller, they pushed the pool out of the wetland buffer.

Chairman Michelman asked how far the pool would be from the house. Mr. Schweitzer said that it was 80' from the deck and 100' from the bedroom door. Chairman Michelman noted that this was a long way away from the house and there had been a lot of discussion at the ZBA that moving the cabana to another location would be a problem because it would block the view.

Chairman Michelman said that the applicant should make a submission to the Conservation Board and go from there.

**JENNIE CLARKSON / ST. CHRISTOPHER'S INC.**

**Subdivision**

**Section 3, Block 4, Lot 4**

**1608 & 1612 Old Orchard Street**

**Russell Gilmore, Director of Operations St. Christopher's Inc.**

**Consideration of final subdivision approval**

**Discussion**

Mr. Tom Merritts was present on behalf of the applicant. He explained that this was a three-lot subdivision. Chairman Michelman asked if Mr. Merritts had seen the resolution. Mr. Merritts said he had not. The Board gave him an opportunity to do so. Mr. Kaufman explained that this approval was consistent with the preliminary approval.

Chairman Michelman asked if there were any issues from the professionals or the Board. Mr. Kaufman said that the only issue was whether this plat would be acceptable to the county Health Department. The two lots are getting their water from the well at St. Christopher's. If that is not acceptable to the Health Department, then the applicant will have to come back here to show potential well locations. Mr. Merritts recognized this.

Upon reading the resolution, Mr. Merritts said that he had no issues with the resolution. Mr. Delano moved to approve the resolution. The motion was seconded by Ms. Black and unanimously approved.

**TURET**  
**Preliminary Subdivision**  
**East Lane, West Lane, Nichols Rd**  
**Tim Allen, PE – Bibbo Associates**  
**Discussion**

Mr. Tim Allen was present on behalf of the applicant. Mr. Allen explained that the applicant was proposing three new lots off of Greenwich Road with the existing lot that is staying on East Lane. The subdivision hasn't changed much since the last time they were before the Board. He explained that at the last meeting, the applicant was sent away to talk to Dave Sessions and discuss whether the intrusions were acceptable. At the last meeting, Dr. Matusow had stated that if he could come back with approval from Mr. Sessions, then he would be in support of this application.

Chairman Michelman said that the Board had received the memo from Mr. Sessions. Mr. Allen said that he had made a subsequent submittal back to Mr. Sessions. Mr. Coyne said that he had spoken to Mr. Sessions, who informed him that he had not had a chance to review the wetland mitigation. Mr. Coyne noted that the other comments, while numerous, were not insurmountable.

Chairman Michelman said that she was concerned because this was only workable if all of Mr. Sessions' issues were addressed. She asked whether the applicant was going to be addressing all the issues. Mr. Allen said that he believed that all the issues have been addressed. Chairman Michelman read from Tim Miller's memo and said she was curious about whether the applicant would be addressing all of those issues. Mr. Allen said that they were not being selective. Mr. Sessions had indicated that he hasn't had a chance to go through the mitigation plan entirely, but felt that the applicant addressed a majority of the issues. There were no major issues that would stop them from being able to move forward because they would be able to be mitigated. Mr. Coyne agreed.

Mr. Allen said that the other issue was the DOT. He said that he has met with them on the site, and the DOT has asked for some improvements, which have been shown on the plans.

Mr. Allen said that if the Board looked at his memo and the memo from Steve Mario, he thought they demonstrated that they have thoroughly complied with Mr. Sessions' issues. The Board wanted to wait and see Mr. Sessions' memo. Mr. Kaufman said that he would also want a mitigation plan. Mr. Allen said that he has submitted that Plan to Mr. Sessions. The Board said that they had not seen it. Mr. Allen said that it was not 2:1 mitigation now but it will be. Mr. Kaufman said that when the applicant revises that plan, they should also deal with the Board's screening issues with the property on the north. Mr. Allen said that there is currently a fence in that location, and the applicant would like to rebuild the fence. Mr. Kaufman said that might be satisfactory; perhaps a fence and a little screening would be better. Mr. Allen said that they have offered it, it just hasn't been detailed yet; he thought it would be better to deal with at the public hearing. Mr. Kaufman thought the Board should have that plan first and then move toward a public hearing. Mr. Allen said he did not want to have to present a landscaping plan that the public would not be interested in or something that would be inadequate. He thought that the receiving the public input first would be beneficial.

Ms. Black said that this Board expressed a while ago that they want to see screening in that area. Mr. Allen said that it was there it was just not detailed. Mr. Kaufman said that they should get the details so that this could move forward. The Board wants to see screening there whether or not that property owner comes to the public hearing.

Mr. Allen asked if they could get on for a public hearing for 2<sup>nd</sup> meeting in February. Mr. Kaufman said that would be possible if all the information was submitted. Mr. Allen said that they would like to meet with the Conservation Board one more time for their input. The Board thought that was a good idea. Mr. Fava said that February 16<sup>th</sup> was the Conservation Board's next meeting, but he advised Mr. Allen that they would want to see the mitigation plan first too.

Mr. Delano noted that the plan shows four lots with a total of 7.4 acres, but the applicant's representative was indicating that the total acreage was 8.19 acres; this needed to be clarified. Mr. Allen said that he would look into this.

There was discussion over the ownership of the right of way. Mr. Allen said that he had submitted all the deed documents. Mr. Baroni said this could be dealt with however the Board decided. Mr. Delano thought that they should deal with the total lot acreage first.

Mr. Turet said that he didn't mind keeping the lot and paying taxes on it because it protects the neighbors and everyone around it. The Board thought that would be best. Multiple discussions were had at this time. Mr. Kaufman was concerned about not creating a situation that limits access.

Mr. Allen noted that Mr. Coyne's memo raised an issue regarding the entrance. Mr. Allen explained that this was on a state road, and the DOT prescribes different entrance grades for what is being proposed. The applicant believes that the DOT regulations would govern since it is a state road. Mr. Coyne noted that Sands Mill and Wrights Mill both come off of state roads; he said that he didn't know for sure it was an issue, but was sure that this could be worked out.

Ms. Black moved to schedule a public hearing following the receipt of the comments from the Conservation Board and Mr. Sessions. The motion was seconded by Mr. Delano and unanimously approved.

**BYRAM RIDGE ROAD SUBDIVISION**  
**Preliminary Subdivision**  
**Byram Ridge Road & Hunter Drive**  
**Section 2, Block 5C, Lot 10**  
**Jim Ryan, RLA – John Meyer Consulting**  
**Discussion**

Mr. Daniel Hollis, Ms. Megan Smith, Mr. Jim Ryan and Mr. Rob Aiello were present on behalf of the applicant.

Mr. Hollis explained that this application was before the Board in December and at that time, Dr. Matusow had suggested developing a revised five-lot subdivision, while Mr. Delano had held firm to his opinion that the applicant should be required to provide a four-lot subdivision. The

applicant has made it clear that they will not develop a four-lot subdivision. Since that meeting, they have developed a revised plan based upon comments received at the last meeting.

Chairman Michelman said that the Board appreciated the four-lot presentation; however, she said that it was not necessarily up to her standards because all the applicant really did was take away the fifth lot.

Mr. Aiello presented the five-lot plan. He explained that there were two major changes since the last time the Board saw the plan; they've added a conservation easement on the eastern portion of the property and changed the common lot line between lots four and five.

Mr. Aiello indicated the area of the conservation easement, and explained that it was 1.26 acres of the 2.07-acre lot five. It follows the proposed fence in that location. The fence was proposed to be a visual delineation for no disturbance. The conservation easement would follow the ledge line and the 2:1 mitigation remains as part of the five-lot plan. Mr. Aiello explained the changes to the lot lines and pointed out that the lots continue to comply with respect to area and dimensions.

Chairman Michelman felt that the house on lot five was still fairly close to the proposed easement and the cliff. Ms. Black asked if it was possible to do the construction for the house and pool on lot five in light of the easement and the ledge. Mr. Aiello said that it was, and pointed out that this was not a final configuration.

Mr. Aiello presented the four-lot plan to the Board, and explained that it merged lots four and five. He explained this was designed that way because of the location of the septic area. In combining the two they were able to use the septic on the former lot five and move everything out of the buffer. This four lot plan would not require any wetland disturbance.

Chairman Michelman said that she was not sure this was ready for a public hearing and she was not sure this was the best plan. She thought that this was a very difficult site and thought it was being squeezed. She said that she was not sure, from a personal point of view, that this should not require a limited EAF or other environmental review. She was concerned about the impact of this plan, and the layout. It is very tight and she had personal reservations.

Mr. Hollis said that this plan has been worked on very diligently and they thought that this was acceptable. Chairman Michelman said that they we never got to her comments and concerns. Mr. Hollis said that they believed that this plan addressed all the concerns. He said that the time has come to either favorably consider this plan or not. There isn't much the applicant could do to this that they haven't already done. The applicant incorporated Dr. Matusow's recommendations into the plan. Chairman Michelman recognized that the Board received an easement but the shared drive still goes through the buffer, and lots four and five are still tight. Mr. Hollis thought that was something that could be hashed out further at the public hearing stage. Chairman Michelman pointed out that she was only one vote.

Mr. Kaufman said that he would like to have some discussion about this five-lot subdivision. He thought that the proposed revision in the lot lines was a clear benefit and suggested that the Board have some discussion on that.

Mr. Sauro asked where the fence line on the conservation easement stopped and Mr. Aiello

indicated. Mr. Sauro asked why they did not continue it all along and Mr. Ryan said that there was a large outcropping there. Mr. Aiello said that they could look at that area in further detail. Mr. Ryan thought there might be an opportunity to create a rock wall there. Ms. Black said she would like to see something to continue along the conservation easement to provide barrier there.

Ms. Black asked about the status of the dam and Mr. Delano recalled there was a comment in the Conservation Board comments that needed to be clarified. Chairman Michelman recalled reading that it would be the responsibility of the homeowner on lot five. Mr. Hollis said that any removal of the dam would require a reconfiguration of the streambed itself. Mr. Kaufman said that this issue needed to be addressed right away.

Mr. Hollis said that this could be made a condition of the approval depending on which way they decided to go. Mr. Aiello said that the applicant would like to try and remove the dam. They have done some preliminary analyses and have determined that there would be minimal problems if it was removed. When they process the wetland application, they would discuss this issue with the DEC. Chairman Michelman thought that they should move toward addressing this sooner rather than later.

Ms. Black thought that moving the lot line between lots four and five was a big improvement. Mr. Delano asked about the bog turtles and cultural resources and Mr. Hollis said that this was not an issue. He added that they had already submitted a report from Beth Evans. Mr. Coyne pointed out that the DEC had requested an Article 24 wetland permit and a SPDES permit. Mr. Aiello said that this did not trigger the requirement for SPDES.

Mr. Ryan added that it would be helpful for the applicant to hear from the neighbors. Mr. Delano said that if the Board decided that could go to the public hearing, it was likely going to remain open for a while. Mr. Hollis understood that and said that was why he was interested in getting one scheduled sooner rather than later.

Mr. Delano felt it was better to hear from the public sooner rather than later. Mr. Kaufman pointed out that they still needed final comments from the Conservation Board. Mr. Hollis said that they already had that board's recommendation.

Mr. Sauro said he liked the idea of the conservation easement. He felt that this was a substantial improvement and said that he was not adverse to the five lots.

Ms. Tatka said that she would walk the site prior to the public hearing.

Mr. Delano moved to schedule a public hearing for February 22<sup>nd</sup>. The motion was seconded by Ms. Black and unanimously approved.

## **ARMONK SHOPPING CENTER**

### **Concept Plan**

#### **450 Main Street & Maple Avenue**

#### **Section 2, Block 13, Lots 7.A & 10.A**

#### **Al DelBello, Esq. – Delbello Donnellan Weingarten Wise & Wiederkehr, LLP**

### **Discussion**

Mr. Al DelBello and Mr. Bob Roth were present on behalf of the applicant. Mr. DelBello explained that at the last meeting, the applicant had submitted an entirely different concept plan. They have kept the ramp where it was, but eliminated all retail along Main Street. The Board had a number of comments that the applicant took seriously and they have made changes to the plans based upon those comments. Mr. DelBello explained that they had received the Planning and Engineering comments that day. He noted that many of the comments were very detailed and they might have to have a joint meeting with Mr. Coyne and Mr. Kaufman to reconcile the issues.

Mr. DelBello reminded the Board that the applicant has done a very extensive traffic and parking study. The Town Board is looking for this Board's opinion on the parking issue.

Mr. Roth presented a revised site plan and pointed out that it was a significant change. The new A&P building and the proposed retail building have been separated to the point where they would be able to get an access drive between them. He indicated the area and explained that it was going to be a one-way, clockwise direction.

They were able to incorporate raised landscaped islands for every row of cars. However, they were only 4' in width as opposed to 8'. That allows an overlap for car bumpers a diamond shape at the junction of four spaces so that we could plant trees. The plan includes lighting for the parking area with a downward casting light.

Mr. Roth explained that the Board was also concerned with the parking on Main Street. Originally there were two curb cuts on Main Street, one where the existing driveway is, which would serve the retail space, and then a second a little further south. With the original curb cut being eliminated, they were able to recapture additional spaces (indicated). They would only be down one space. There is no proposed use of the town owned land behind the shopping center. That was originally proposed to be built as parking to be shared with the recreation center. The driveway would be improved from 21' to 25'. Loading had been a concern because the trucks would have had to maneuver in front of the store but now the loading area is proposed in the rear. Chairman Michelman noted it is supposed to happen that way now, but more often than not, it doesn't happen that way. On paper it looks good but she doubted whether it would happen in reality.

Mr. DelBello said that whatever the truck driver had to do would be contained in the rear. They will no longer be able to go in front of the store because they'd have to back out; additionally, they wouldn't be able to do it in another area because it would block a right of way. Chairman Michelman recognized that it seemed like a good idea, she just didn't see it actually happening. Mr. DelBello said that this was the best they could do. Mr. Roth said that it may not be perfect, but it works. Chairman Michelman reiterated that it might work on paper but may not be practical.

Mr. Sauro thought there would be a problem if there were two trucks in the rear, and a customer was trying to exit from the rear of the store. Mr. Del Bello said that if the trucks were in position, they would not block the access. Mr. Sauro suggested designating a specific time for the delivery.

Mr. Roth said that they would have to construct a retaining wall along Main Street and along the driveway. He presented the computerized renderings to show what it would look like. He said that from Main Street, it wouldn't really look any different than it does today. There will be some decorative fencing with some lampposts. From inside the site, there would be a textured stamped concrete that would be very attractive.

Ms. Black asked if the applicant envisioned any planting in that area and Mr. Roth said that there would be some in the area on Main Street and indicated. He said that they call for 13% interior landscaping now. The Board had been concerned about getting the 10% that is required. Ms. Black asked if there was any way to widen the landscaping beds and Mr. Roth said they could not.

Ms. Tatka asked how much room they would have if the cars came in head to head. Mr. Roth said that it would be ground cover, except at the junction of every four spaces. They have larger islands and additional trees and landscaping in the front of the store.

With respect to the parking, there are currently 143 spaces in the A&P lot. The applicant counted the cars that were there on the day before Thanksgiving and at the maximum, there were 106 cars there. The applicant has conducted a very detailed parking study that will be submitted to the Boards. They also counted a typical Friday and Saturday. Mr. Roth presented and explained a graph depicting the "existing parking demand" and the "proposed parking demand." Mr. Roth explained that they are proposing 157 parking spaces and on a typical Friday the average number of cars in the lot is 82; that number should only increase to 111. On a typical Saturday, the average number of cars is 66 and that number would increase to 104. On one of the busiest shopping days, the day before Thanksgiving, the average number of cars now is 106. That number should only increase to 143. The applicant is confident that there will be sufficient parking, even on the busiest day of the year.

Chairman Michelman asked if these numbers incorporated the change in zoning. Mr. Roth said that they were proposing zoning that would require 157 spaces.

Mr. DelBello said that this is really a local shopping center and not a destination center. These numbers are rather low. Ms. Black asked if the applicant anticipated that, with a larger store, it would become more of a destination store. Mr. Roth did not think that would happen he said that this was not an area like Mount Kisco. People might occupy a space a little longer, but he did not foresee this changing the dynamics.

Mr. Roth explained that this incorporates the retail and the restaurants. They would like to see the restaurant use remain and they made sure to keep those requirements in the calculations to make sure the numbers would work.

Ms. Black asked about the Maple Avenue access. Mr. Roth said that the driveway is 21' wide and recognized that although the code says it should be 24' wide, they only have 30' a wide piece of property. They would have a 4' wide sidewalk on the left and on the right, there'd be

another 2' to the property line, with a curb, some shrubs and a light pole or two. They would have to remove trees or get a variance to keep the 21' width and get a little more on either side. Chairman Michelman noted that the landscaping on the right backs up on the neighbor. Mr. Roth recognized this, and pointed out that whatever trees are there are on the A&P property line and that neighbor has no landscaping there at all.

Ms. Black noted that Mr. Kaufman suggested that the town take the access of the Maple Avenue entrance so there could be access to the other properties on Maple. Mr. Roth said the applicant was not proposing that. This is a driveway that the applicant was willing to improve, or leave as is. They are not willing to get into transferring the property or easements. Mr. Kaufman said that was unfortunate because this was necessary to improve that corner. If this opportunity isn't seized now, it will be a missed opportunity for the town.

Mr. Coyne pointed out that the truck turning radius is better than what was previously proposed. If cars need to exit the parking lot through the loading area, it would be better if the Maple Avenue access would be more maneuverable. Mr. Roth said that these are a result of the width of the driveway and the situation of the building. He added that both access drives will have to stop.

Mr. Coyne suggested switching the driveway to the right side of the Maple Avenue access drive. That might make it line up better, and prevent pedestrians from having to cross. Mr. Roth thought that would work.

Mr. Kaufman said that he would review the report in terms of the off street parking. The other items deal with aesthetics. The Board didn't talk about the Main Street sidewalks; the applicant is not proposing anything there. Mr. Roth said that they will be DOT concrete sidewalks. Mr. Kaufman thought that the applicant should continue the same type of pavers that are in the downtown area. Mr. Roth said they would do that on the sidewalks that front their property but they were not willing to do that all the way down to Maple Avenue. Mr. Kaufman said he was not suggesting that they do that.

Mr. Delano recognized that the applicant could not make the landscaping islands bigger, but he thought that Mr. Coyne was looking for terminal islands, but that causes a problem when the lot is plowed. There is more landscaping proposed now than before and that is a tremendous improvement. He pointed out that they were never going to have the perfect truck situation for this site. Mr. Delano was sure they have to deal with more difficult lots than this. He thought that once the applicant's representatives met with the Town Engineer and Planner, he thought this would be able to move forward.

Mr. DelBello hoped to go to the town board soon, given that this Board was in agreement.

Chairman Michelman noted that this lot is never full as far as she could tell. They have to do something to address the combined issue of the retail and that it is never over crowded. She did not know how they would exempt this from the broader town future she thought they should find a way to exempt it

Ms. Tatka pointed out that this site may, in the future require more parking than it does now, because of the increase in the size and quality of the store.

Mr. Carthy, not present for this application, suggested that the numbers are so high for the parking so the applicant should apply for a bigger variance on the parking and increase the size of the island parking. Mr. Delano said that they are already reduced to 16' depth. Mr. DeBello added that the A&P was concerned with parking too and they are currently reviewing the size of the store and the site. They are concerned that there be adequate parking to meet their needs. Ms. Tatka asked how many spaces the A&P required and Mr. DeBello said that it was 5/1000 for the sales area of the store. The applicant thinks that is reasonable and the Board thought so too.

The applicant will revise the plan and meet with Mr. Coyne and Mr. Kaufman.

## **SEIFERHELD**

### **Special Use**

**Section 2, Block 5D, Lot 10A**

**83 Byram Ridge Road**

**Frank Marsella, AIA – Marsella & Knoetgen Architects**

### **Discussion**

Mr. Frank Marsella was present on behalf of the applicant. He explained that this application was before the Board in September for a special permit because they exceeded the basic square footage. There were several concerns that the Board had raised. They have developed the stormwater and the septic system and that is really what took so long. They have filed with the Health Department.

Mr. Marsella explained that in the zoning chart they indicated 32' as the maximum height; it was 30' so they had to bring the building down a couple of feet. They changed the roof pitch to 8 and 12 pitch and are proposing very slight grading. They have added drawing SP-3, which focuses on the landscaping for screening for the neighbors on the sides of the property. It is not the final landscaping plan; the applicant will be retaining a landscape architect. They are currently proposing arborvitae.

Chairman Michelman recalled that there was discussion about the size of the addition in general and the integration of a house of this size into the neighborhood. That is still an issue. The gross FAR is below the maximum by only 77'. That is very close to "as big as it can get."

Mr. Marsella said that these figures include the walkout basement and the garage. Chairman Michelman recognized that and pointed out that these were required to be included in the calculation. Mr. Marsella pointed out that the front of the basement is buried and that it is "not extremely valuable basement area". It sounds like a lot of square footage, but part of the FAR is the basement and garage.

Ms. Black did not think the size of the house was that great, but felt that the landscaping was still inadequate. They are dwarfed by the house. The Board has seen much more substantial screening, including up to 14' high spruces. She'd like to see better screening. Mr. Marsella said that the applicant has retained a landscape architect, and he will get more involved. In his opinion however, the taller trees have a tendency not to do as well. The 5' high trees tend to fill in better and grow faster. Ms. Black said that the 5' seems a little inadequate to her. Mr. Delano

agreed and said the landscape architect should prepare a planting plan.

Chairman Michelman asked if the area for the septic had been determined yet and Mr. Marsella said that tests have been done and the plans submitted to the Health Department. The design works according to the testing that was done.

Chairman Michelman asked if the applicant has been to the ARB and Mr. Marsella said it had not. Mr. Kaufman said that the ARB and the screening were the only issues remaining; the applicant should go to the ARB. Ms. Tatka said that the ARB would require a screening plan.

Mr. Marsella asked if they needed an approval for the septic before this could move forward and Mr. Kaufman said they did not; it could be made a condition of approval.

**700 NORTH BROADWAY  
Site Plan  
Section 7, Block 4, Lot 1A  
700 North Broadway  
James Flemming, RA, AIA  
Discussion**

Mr. James Flemming was present on behalf of the applicants together with the applicants themselves.

Mr. Flemming explained that in 1979 the site plan was approved with 79 spaces. Recently, it was repainted and restriped and it caused a problem. They lost some of the spaces to maintain a pathway. They are trying to deal with that, but overall, the applicant is down about 8 spaces on the site in total.

The site has been considered as a whole. The small building has been vacant for some time. The larger, two-story office building is about 90% occupied. There is adequate parking for what is there now. The applicant would need a variance for the restaurant in addition to what is there.

Mr. Flemming presented floor plans of the office building as well as a rough floor plan of the proposed restaurant area and a photo of the front and the back of the buildings.

The applicant would like to get a change of use for part of the property in order to get a restaurant there. They believe it would work. With respect to the parking, there is an opportunity to fix whatever was seen on the site.

The restaurant would require 18-19 spaces and there are currently seven in the front. Mr. Flemming said that they could probably get eight spaces if they made some changes. They also have some spaces that are not properly designated. The applicant would like a referral to the ZBA for the parking issues.

Mr. Kaufman said that he needed to know exactly how many spaces the applicant would need a variance for. If they are going to do some tweaking that would result in more or less spaces on

the site, they need to know that now, before going to the ZBA. Mr. Flemming thought they could get 75 viable spaces there, if some of them are compact car spaces.

Chairman Michelman said that the concern is the seven or eight spots on Route 22 and how those cars would be able to exit. Mr. Delano said he would not be inclined to squeeze an 8<sup>th</sup> one in the front. Ms. Black asked if they would need a variance and Mr. Kaufman said that if those cars did not need to back out, then they would not need a variance for those spaces. Mr. Delano pointed out that if the applicant put in a landscaping island then that wouldn't work.

Mr. Flemming said that he would be able to get an accurate count on the plan, but the mitigating factor is the fact that this is running simultaneously during the day, and the parking is working. When the other building is not open, they will have plenty of parking.

Mr. Kaufman said the applicant should submit a reconfigured plan with the exact numbers and then this Board would refer the applicant to the ZBA.

Mr. Flemming asked if it would it be possible to move forward on the approvals for the restaurant use and the Board said they had to see everything all at once. Mr. Kaufman explained that in order for the Board to approve the change of use, they have to know that it meets the code requirements.

Mr. Kaufman advised the applicant to get all parking spaces and backup isles to code and get the off street parking issue resolved. The applicant also had to deal with the guard rail and safety issues from a 2006 approval.

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The meeting was called to adjourned at 9:54 p.m.

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